

**JOE CAMER**

**08 CV 4192**

Levy Davis & Maher, LLP  
Jonathan A. Bernstein (JB 4053)  
880 Third Avenue  
New York, NY 10022  
Tel: 212-371-0033

Bluestone Law, Ltd.  
Minh Ngoc Nguyen (MN 8607)  
4405 East-West Highway, Suite 402  
Bethesda, MD 20814  
Tel: 301-656-0230  
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
ZHEJIANG ZEC IMPORT &  
EXPORT CO., LTD.

Plaintiff,

-against-

J.C. SUSSMAN, INC.

Defendants.  
-----X

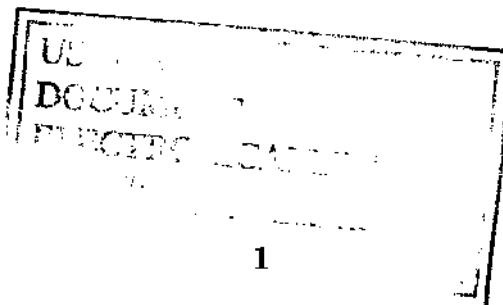
**COMPLAINT**

U.S. DISTRICT COURT  
S.D. OF N.Y.  
JULY-2 4:18:50

Plaintiff Zhejiang Zec Import & Export Co., Ltd. ("Plaintiff"), by and through its undersigned counsel, hereby sues Defendant J.C. Sussman, Inc. ("Defendant") and alleges:

**NATURE OF THE ACTION**

1. Plaintiff seeks money damages against Defendant for breach of contract, account stated and goods sold and delivered arising from Defendant's failure to make complete payment on six invoices.



## **THE PARTIES**

2. Plaintiff is a corporation organized and existing under the laws of The People's Republic of China and maintains its principal place of business at 10<sup>th</sup> Floor, Zheijiang Economic Cooperation Building, 208 Chaowang Road, Hangzhou, People's Republic of China.

3. Defendant is a corporation organized and existing under the laws of the State of New York and maintains its principal place of business at 235 Mamaroneck Ave., Room 402, White Plains, Westchester County, NY 10605.

## **JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction over this action based on diversity of citizenship pursuant to 28 U.S.C. 1332. The matter in controversy exceeds, exclusive of interest and costs, \$75,000.

5. Venue is proper in the United States District Court for the Southern District of New York under 28 U.S.C. §1391(a)(1) and 1391(c) because Defendant is considered to be residing in this judicial district, and therefore, subject to the personal jurisdiction of this Court.

## **COUNT I**

### **BREACH OF CONTRACT**

6. Plaintiff repeats and realleges each allegation in paragraphs "1" through "5" of the complaint as if fully set forth at length herein.

7. Around and between September 20, 2006 and April 18, 2007, Defendant purchased fabrics ("Goods") from the Plaintiff for a total of \$224,049.01 as reflected in

the six commercial invoices attached hereto as Exhibits 1 through 6 and the statement of account attached hereto as Exhibit 7.

8. Around and between the dates of September 20, 2006 and April 18, 2007, Plaintiff shipped the Goods to Defendant or Defendant's Agent as reflected in the five bills of lading attached hereto as exhibits 8 through 12.

9. Defendant made one payment on these shipments in the amount of \$25,117.86 on December 20, 2006, as reflected in the statement of account attached hereto as Exhibit 7.

10. Defendant has not made any additional payments to Plaintiff and there is a remaining balance of \$198,931.15 owed by the Defendant to Plaintiff.

11. Plaintiff has made demand upon Defendant for the balance due but Defendant refuses and fails to make payment.

## **COUNT II ACCOUNT STATED**

12. Plaintiff repeats and realleges each allegation in paragraphs "1" through "11" of the complaint as if fully set forth at length herein.

13. Plaintiff sent and Defendants received account statements in the amount of \$224,049.01. Defendants made no objections and made payment \$25,117.86 on December 20, 2006.

14. Defendant has not made any additional payments to Plaintiff and there is a remaining balance of \$198,931.15 owed by the Defendant to Plaintiff.

15. Plaintiff has made demand upon Defendant for the balance due but Defendant refuses and fails to make payment.

**COUNT III**  
**PRICE OF GOODS SOLD AND DELIVERED PURSUANT TO U.C.C. SEC. 2-709**

16. Plaintiff repeats and realleges each allegation in paragraphs "1" through "15" of the complaint as if fully set forth at length herein.

17. Plaintiff and Defendant are merchants generally engaged in the business of selling, buying and trading goods of the type that are the subject of this action.

18. Around and between September 20, 2006 and April 18, 2007, Plaintiff sold and delivered to Defendant or Defendant's Agent, and Defendant accepted and retained certain Goods at the agreed price and reasonable value of \$224,049.01.

19. Defendant made one payment on these Goods in the amount of \$25,117.86 on December 20, 2006.

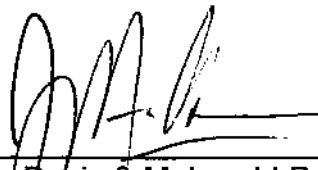
20. Defendant has not made any additional payments to Plaintiff and there is a remaining balance of \$198,931.15 owed by the Defendant to Plaintiff.

21. Plaintiff has made demand upon Defendant for the balance due but Defendant refuses and fails to make payment.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands judgment in the amount of \$198,931.15 plus prejudgment interest on each invoice beginning 90 days after each shipment was received by Defendant plus post judgment interest and costs.

DATED: New York, New York  
April 30, 2008



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Levy Davis & Maher, LLP  
Jonathan A. Bernstein (JB 4053)  
Attorneys for Plaintiffs  
880 Third Avenue  
New York, NY 10022  
Tel: 212-371-0033

/s/

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Bluestone Law, Ltd.  
Minh Ngoc Nguyen (MN 8607)  
Attorney for Plaintiffs  
4405 East-West Highway, Suite 402  
Bethesda, MD 20814  
Tel: 301-656-0230



浙江经协国际经贸有限公司发票

Zhejiang ZEC Import &amp; Export Co., Ltd. Invoice

10/F., Zhejiang Economic Cooperation (ZEC) Building,

208 Chaowang Road, Hangzhou, China

出口专用

发票代码 133010624860

发票号码 00004336

No. 07WKM070112001

定单或合约号码

S/C ZEC07070112001

日期

Date APR.18.2007

税号: 33010657000000000000 INC.

TO: M/S. 335 MAMARONECK AVE ROOM#402  
WHITE PLAINS NY 10605, USA记帐联  
ACCOUNT

装船口岸 From	SHANGHAI	目的地 To	NEW YORK
信用证号数 Letter of Credit No.		开证银行 Issued by	

唛头 Marks & Nos.	货名数量 Quantities and	Descriptions	单价 Unit price	金额 Amount
JCS. PO# QTY: BALE# LOT# MADE IN CHINA	DYEING FABRIC	3349.3 YDS	USD 1.53	USD 5137.44
		3349.3 YDS		USD 5137.44

浙江经协国际经贸有限公司 (Zhejiang ZEC Import &amp; Export Co., Ltd.)

浙江经协国际经贸有限公司

开票单位 (盖章)

此发票限在2007年12月31日前使用有效。

浙江经协国际经贸有限公司  
Zhejiang ZEC Import & Export Co., Ltd.

浙江经协国际经贸有限公司



PLAINTIFF'S  
EXHIBIT

## 浙江经协国际经贸有限公司发票

Zhejiang ZEC Import &amp; Export Co., Ltd. Invoice

10/F., Zhejiang Economic Cooperation (ZEC) Building,

208 Chaowang Road, Hangzhou, China

发票代码 133010624860

发票号码 00002688

税号: 330165726600232

TO: M/S. JAMARONECK AND COMPANY  
WHITE PLAINS NY 10605, USA报 查 联  
CUSTOM

No. 331070117011

定单或合约号码

S/C No. 33112011

日期

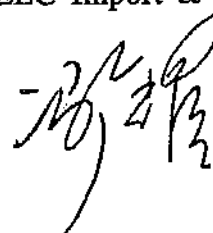
Date DEC. 06, 2006

装船口岸	目的地
From SHANGHAI	To SHANGHAI
信用证号数	开证银行
Letter of Credit No.	Issued by

唛头 Marks & Nos.	货名数量 Quantities and Descriptions	单价 Unit price	金额 Amount
CN 100 BY M 12# M 12# CASH IN CHINA	DYEING FABRIC	251250 YDS USD 1.06 USD 26632.50	
		251250 YDS USD 1.06 USD 26632.50	

开票单位(盖章)

此发票限在2007年12月31日前使用有效。

浙江经协国际经贸有限公司  
Zhejiang ZEC Import & Export Co., Ltd.




## 浙江经协国际经贸有限公司发票

Zhejiang ZEC Import &amp; Export Co., Ltd. Invoice

10/F., Zhejiang Economic Cooperation (ZEC) Building,  
208 Chaowang Road, Hangzhou, China

出口专用

发票代码 133010624860

发票号码 00002296

税号: 330165745600222

TO: M/S. 628 CHANH HIGHWAY, AN PHU WARD, DISTRICT 2  
HOCHIMINH CITY, VIETNAM

报 关 单 2 联

CUSTOM

06/06/2007 11/2010

定单或合约号码

/ 15/06/2007 11/2010

日期

Date 28.2006

装船口岸

From

SHANGHAI

目的地

To

HOCHIMINH

信用证号数

Letter of Credit No.

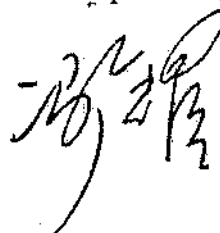
开证银行

Issued by

唛头 Marks & Nos.	货名数量 Quantities and	Descriptions	单价 Unit price	金额 Amount
J.C.S. PO# QTY BALE# LOT# MADE IN CHINA	DYEING FABRIC	13966 YDS	USD 1.01	USD 14105.66
		13966 YDS		USD 14105.66

开票单位 (盖章)

此发票限在2007年12月31日前使用有效。

浙江经协国际经贸有限公司  
Zhejiang ZEC Import & Export Co., Ltd.




## 浙江经协国际经贸有限公司发票

Zhejiang ZEC Import &amp; Export Co., Ltd. Invoice

10/F., Zhejiang Economic Cooperation (ZEC) Building,  
208 Chaowang Road, Hangzhou, China

出口专用

税号: 330165726600232

J.C. SOUSSEAN INC.

TO: M/S. 235 MAMARONECK AVE ROOM#402  
WHITE PLAINS NY 10605, USA报 查 联  
CUSTOM

发票代码 133010624860

发票号码 00002295

No. 96WKM070112007

定单或合约号码

S/C 06070112009

日期

Date NOV. 22, 2006

装船口岸

From

SHANGHAI

目的地

To

NEW YORK

信用证号数

Letter of Credit No.

开证银行

Issued by

唛头 Marks &amp; Nos.

货 名 数 量 Quantities and Descriptions

单价 Unit price

金 额 Amount

J.C.S.

PDW

QTY:

BALEN

LOT#

MADE IN CHINA

DYEING FABRIC

29901.0 YDS

USD

0.92

USD

27508.92

29901.0 YDS

USD 27508.92

开票单位 (盖章)

此发票限在2007年12月31日前使用有效。

浙江经协国际经贸有限公司  
Zhejiang ZEC Import & Export Co., Ltd.



## 浙江经协国际经贸有限公司发票

Zhejiang ZEC Import &amp; Export Co., Ltd. Invoice

10/F., Zhejiang Economic Cooperation (ZEC) Building,

208 Chaowang Road, Hangzhou, China

出口专用

发票代码 133010624860

发票号码 00001044

税号: 3301657266002328SMAN INC.

TO: M/S.

215 MANHARTNECK AVE ROOM 104

WHITE PLAINS NY 10605, USA

报查联  
CUSTOM

No. 06WVCS1070112008

定单或合约号码

S/C No. ZEC 06070112008

日期

Date SEP. 17, 2006

装船口岸

From

SHANGHAI

目的地

To

NEW YORK

信用证号数

Letter of Credit No.

开证银行

Issued by

唛头 Marks &amp; Nos.

货名数量 Quantities and

Descriptions

单价 Unit price

金额 Amount

J.C.S.

PO#

QTY:

BALE#

LOTS

MADE IN CHINA

DYEING FABRIC

44270.6 YDS

USD 1.31

USD 57994.49

44270.6 YDS

USD 57994.49

开票单位 (盖章)

此发票限在2007年12月31日前使用有效。

浙江经协国际经贸有限公司  
Zhejiang ZEC Import & Export Co., Ltd.



## 浙江经协国际经贸有限公司发票

Zhejiang ZEC Import &amp; Export Co., Ltd. Invoice

10/F., Zhejiang Economic Cooperation (ZEC) Building,

208 Chaowang Road, Hangzhou, China

出口专用

发票代码 133010624860

发票号码 00001043

税号: 330165726600232

TO: M/S.

135 MAMARONECK AVE ROOM 404

WHITE PLAINS NY 10605 USA

报查联

CUSTOM

No. 06WKM070112007

定单或合约号码

S/C No. ZEC06070112007

日期

Date SEP 13, 2006

装船口岸

From

信用证号数

Letter of Credit No.

目的地

To

开证银行

Issued by

NINGBO

NEW YORK

唛头 Marks & Nos.	货名数量 Quantities and Descriptions	单价 Unit price	金额 Amount
I.C.S. PO# QTY: BALE# LOT# MADE IN CHINA	DYEING FABRIC	74136.0 YDS	FOB NINGBO USD 1.25 USD 92670.00
	74136.0 YDS		USD 92670.00

开票单位 (盖章)

此发票限在2007年12月31日前使用有效。

浙江经协国际经贸有限公司  
Zhejiang ZEC Import & Export Co., Ltd.



## 追帐案情说明

我司自 2006 年 6 月起通过中间人宋健与国外客户 J.C.SUSSMAN INC(235 MAMARONECK AVE ROOM #402 WHITE PLAINS NY 10605, USA) 有业务往来, 付款方式为 OA 90 天, 前后共计发生 14 票业务, 具体如下:

06年	发票号	报关日期	报关金额 USD	收货人	付款人	金额USD	时间
	070120001	2006-6-13	18017.12	J.C.SUSSMAN INC	SUNKING INDUSTRY	17817.12	2006-9-28
	070120002	2006-6-18	7328.7	J.C.SUSSMAN INC	SUNKING INDUSTRY	7128.70	2006-9-28
	070120003	2006-6-27	40434.83	J.C.SUSSMAN INC	J.C.SUSSMAN INC	40034.83	2006-9-28
	070120004	2006-7-18	54523.18	J.C.SUSSMAN INC	J.C.SUSSMAN INC	54143.18	2006-11-13
	070120005	2006-7-29	13693.56	J.C.SUSSMAN INC	J.C.SUSSMAN INC	13493.56	2006-11-13
	070120006	2006-8-15	47335.65	J.C.SUSSMAN INC	SUNKING INDUSTRY	47000.65	2006-12-20
	070120007	2006-9-20	92670	J.C.SUSSMAN INC		未收汇	
	070120008	2006-9-22	57994.49	J.C.SUSSMAN INC	J.C.SUSSMAN INC	25117.86	2006-12-20
	070120009	2006-11-28	27508.92	J.C.SUSSMAN INC		未收汇	
	070120010	2006-11-29	14105.66	ORANGE FASHION CO.,LT		未收汇	
	070120011	2006-12-15	26632.5	J.C.SUSSMAN INC		未收汇	
07年	07012001	2007-4-18	5137.44	J.C.SUSSMAN INC		未收汇	
	07012002	2007-4-28	2540	NUTRITION PARK	SUNKING INDUSTRY	2525.00	2007-5-16

收汇一览表:

付款客户	时间	金额
SUNKING INDUSTRY COMPANY	2006-09-08	7303.70
SUNKING INDUSTRY COMPANY	2006-09-28	40000.00
SUNKING INDUSTRY COMPANY	2006-11-13	48432.20
J.C. SUSSMAN CO INCORPORATE	2006-12-20	109000.00
SUNKING INDUSTRY COMPANY	2007-05-16	2525.00
共收汇:		207260.90

上表中提及的ORANGE FASHION CO.,LTD为 J.C.SUSSMAN INC公司在越南的制衣公司, 宋健在香港注册有公





BILL OF LADING		EURASIA FREIGHT SERVICE INC.		ORIGIN																																																																																																																								
SHIPPER (PRINCIPAL OR SELLER LICENSEE AND ADDRESS)		BL NO.	NUMBER OF ORIGINAL B/L'S	THREE																																																																																																																								
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J.C.S. FOR QTY: LOTS BALES COLORS MADE IN CHINA	120 BALES	DYING FABRIC O/P: USD 1200.00  06W/K/M 07/01(201) ORIGINAL	6890.00 KGS	30.000 C																																																																																																																								
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FMC NO. 012405 BOND NO. 8941199		EURASIA FREIGHT SERVICE INC. INC. ADD: 256-79 INTERNATIONAL AIRPORT CENTER BLDG., SUITE 256 JAMAICA, NEW YORK 11412-4194 U.S.A. TEL: 1 718 244 8047 FAX: 1 718 244 1682 08 DEC 2006  SHANGHAI Dated at EURASIA FREIGHT SERVICE INC. INTERNATIONAL TRANSPORTATION SERVICE CO. LTD. AS AGENT FOR CARRIER																																																																																																																										

Form No. 1A

N0067168

BILL OF LADING





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Feb 28 07 03:43p



**BILL OF LADING EURASIA FREIGHT SERVICE INC.**

ORIGINAL

SHIPPER (PRINCIPAL OR SELLER LICENSEE AND ADDRESS)		BL NO.	NUMBER OF ORIGINAL B/L'S
ZHEJIANG ZEC IMPORT & EXPORT CO., LTD. 10/E ZHEJIANG ECONOMIC COOPERATION (ZEC) BUILDING, 200 CHAOYANG ROAD, HANGZHOU, CHINA		EURPL0040572MT6	THREE
CONSIGNEE TO		EXPORT REFERENCES	
J. S. SUSSMAN INC 235 MANHATTAN AVE ROOM 402 WHITE PLAINS NY 10605, USA		To: <i>BS</i>	
NOTIFY PARTY/INTERMEDIATE CONSIGNEE (NAME AND ADDRESS)		POINT AND COUNTRY OF ORIGIN	
J. S. SUSSMAN INC 235 MANHATTAN AVE ROOM 402 WHITE PLAINS NY 10605, USA		INLAND ROUTING/EXPORT INSTRUCTIONS	
PLACE OF RECEIPT		CONTAINER NUMBERS	
VESSEL VOYAGE SANTA BARBARA 0624E		NYKUS785900/CN4078243	
PORT OF DISCHARGE LOS ANGELES		PORT OF LOADING SHANGHAI	
		PORT FINAL DESTINATION NEW YORK	
MARKS AND NUMBERS	NO. OF PACKS	DESCRIPTION OF PACKAGES AND GOODS (PARTICULARS FURNISHED BY SHIPPER)	GROSS WEIGHT
J. S. S. FOR QTY: SALES: COLOR: MADE IN CHINA	187 BALES	DYEING FABRIC Q/P, US\$ 720.00  <i>db w/k m 07-01-2009</i>	8875.00 KGS
			24.000 CM
SAY ONE HUNDRED AND EIGHTY SEVEN BALES ONLY		CPS/CY	23 NOV 2006
FREIGHT RATES, CHARGES, WEIGHTS AND/OR MEASUREMENTS		To obtain Delivery Certificate	
SUBJECT TO CORRECTION		EURASIA FREIGHT SERVICE INC. - NYC	
FORWARD		ADD: 250-19, INTERNATIONAL AIRPORT CENTER BLDG.,	
COLLECT		SUITE 200 JAMAICA,	
		NEW YORK 11430-2104 U.S.A.	
		TEL: 1 718 244 8887	
		FAX: 1 718 244 1082	
		23 NOV 2006	
		SHANGHAI	
		Dated at	
		EURASIA FREIGHT	
		PAN CHENG INTERNATIONAL	
		TRANSPORTATION SERVICE CO., LTD.	
		As Agents Only	
		<i>庄梅民</i>	
		(S) AS AGENTS FOR CARRIER	

Form No. 1A

N90067504

BILL OF LADING

Feb 28 07 03:42P



Nov 27 04 07:58a

P. 3

**BILL OF LADING EURASIA FREIGHT SERVICE INC.**

OR

SHIPPER (PRINCIPAL OR SELLER-LICENSEE AND ADDRESS)

ZHEJIANG ZEC IMPORT CO., LTD.  
10/E, ZHEJIANG ECONOMIC COOPERATION (ZEC) BUILDING,  
208 CHAOWANG ROAD, HANGZHOU, CHINA

B/L NO.

EORFLB0690465NTE

NUMBER OF ORIGINAL  
THE

EXPORT REFERENCES

CONSIGNEE TO

J. C. SUSSMAN INC  
235 MANHATTAN AVE ROOM 402  
WHITE PLAINS NY 10605, USA

FORWARDING AGENT (NAME AND ADDRESS-REFERENCES)

NOTIFY PARTY/INTERMEDIATE CONSIGNEE (NAME AND ADDRESS)

J. C. SUSSMAN INC  
235 MANHATTAN AVE ROOM 402  
WHITE PLAINS NY 10605, USA

POINT AND COUNTRY OF ORIGIN

INLAND ROUTING/EXPORT INSTRUCTIONS

PLACE OF RECEIPT

VESSEL VOYAGE  
DOCL ZHOUSMAN

01E38

PORT OF LOADING  
SHANGHAIPORT OF DISCHARGE  
LOS ANGELESFOR FINAL DESTINATION  
NEW YORK

CONTAINER NUMBERS

TRI09739530/CN4961463

MARKS AND NUMBERS

NO. OF PKGS

DESCRIPTION OF PACKAGES AND GOODS  
(PARTICULARS FURNISHED BY SHIPPER)

GROSS WEIGHT

MEASURE

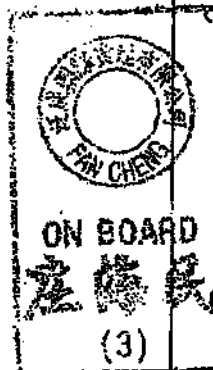
J. C. S.  
NY  
NYT  
LOT#  
BALES  
COLOR#  
MADE IN CHINA

818 BALES

DYING FABRIC

O/F: \$2305.00  
HEADLOAD

13674.00 KGS 3B.D



19 SEP 2006

FREIGHT PREPAID

SAY THREE HUNDRED AND EIGHTEEN BALES ONLY

FREIGHT RATES, CHARGES, WEIGHTS AND/OR MEASUREMENTS

SUBJECT TO CORRECTION

PREPAID

COLLECT

FMC NO 012405  
BOND NO 8941179

TOTAL OCEAN FREIGHT CHARGES

OTHER CHARGES

TOTAL PREPAID

To obtain Delivery Contact:  
EURASIA FREIGHT SERVICE INC. - NYC  
ADD: 230-79, INTERNATIONAL AIRPORT CENTER BLVD.,  
SUITE 250 JAMAICA,  
NEW YORK 11412-4104 U.S.A.

TEL: 1 718 244 8887  
FAX: 1 718 244 1682

SHANGHAI

Dated at

EURASIA FREIGHT

SHANGHAI  
EURASIA FREIGHT SERVICE CO., LTD.


19 SEP 2006  
庄德民



Nov 27 04 07:58a

ZIMUNGB 786600

P.2

<b>BILL OF LADING</b>  <b>ZIM INTEGRATED SHIPPING SERVICES LTD</b> <b>ZIM CONTAINER SERVICE</b>	
<b>SHIPPER'S NAME AND ADDRESS:</b> ZIMMERMAN EXPORT & IMPORT CO. LTD. ADD: 1001, ZHEJIANG ECONOMIC COOPERATION (ZEC) BUILDING 208, CHAOJIANG ROAD, HANGZHOU, CHINA TEL: 86-571-86391458 FAX: 86-571-86391458	
<b>CONSIGNEE'S NAME AND ADDRESS:</b> J.C. SUGARMAN INC. 235 MANHATTAN AVE ROOM 402 WHITE PLAINS NY 10608 USA	
<b>SHIPPER'S REFERENCE:</b> J.C. SUGARMAN INC. 235 MANHATTAN AVE ROOM 402 WHITE PLAINS NY 10608 USA	
<b>SHIPMENT DETAILS:</b> 1. <b>QUANTITY:</b> 4000 2. <b>UNIT OF MEASURE:</b> CANS 3. <b>MARKS AND NUMBERS:</b> ZIM PUSAN 8E 4. <b>PORT OF ORIGIN:</b> NEW YORK, NY 5. <b>PLACE OF RECEIPT OF GOODS:</b> PUSAN 6. <b>DATE OF RECEIPT:</b> 11/27/04	
<b>COMMODITY:</b> 1. <b>DESCRIPTION:</b> 4000 CANS OF ZIM PUSAN 8E 2. <b>QUANTITY:</b> 4000 3. <b>UNIT OF MEASURE:</b> CANS 4. <b>MARKS AND NUMBERS:</b> ZIM PUSAN 8E 5. <b>DATE OF RECEIPT:</b> 11/27/04	
<b>DECLARATION:</b> I hereby declare that the above information is true and correct to the best of my knowledge and belief.	
<b>TOTAL: FOUR THOUSAND AND FIFTY-FOUR CANS ONLY</b>	
<b>ADDITIONAL INFORMATION:</b> 1. <b>DATE OF RECEIPT:</b> 11/27/04 2. <b>DATE OF DEPARTURE:</b> 11/27/04 3. <b>DATE OF ARRIVAL:</b> 11/27/04	

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